

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 COME-00 EB-08 DLOS-09 L-03

AID-05 CEA-01 CIAE-00 FRB-03 INR-07 NSAE-00 SP-02

STR-04 TRSE-00 LAB-04 SIL-01 OMB-01 SAL-00 INT-05

/072 W

-----060840Z 069838 /11

R 051504Z APR 77

FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC 4226

INFO AMEMBASSY BERLIN

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY MADRID

AMEMBASSY MOSCOW

AMEMBASSY OSLO

AMEMBASSY REYKJAVIK

AMEMBASSY SOFIA

AMEMBASSY STOCKHOLM

AMEMBASSY WARSAW

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DEPT PASS: OIF (F411)/NMFS/NOAA/DOC

E.O. 11652: N/A

TAGS: EFIS, NEAFC

SUBJECT: FUTURE OF NEAFC, FINAL REPORT

REF: LONDON 5290, 5417

1. BEING UNCLASSIFIED. SUMMARY. NEAFC MEETING ENDED WITH NONE OF THE ISSUES REGARDING ITS FUTURE RESOLVED. THE EC COULD NOT AGREE ON A UNIFIED POSITION ALTHOUGH THE REST OF THE NEAFC MEMBERS WERE MOST ANXIOUS TO REACH SOME AGREEMENT. END SUMMARY.

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2. DESPITE THE GOOD INTENTIONS OF SOME EC MEMBERS AND SOME EXTENDED DISUCSSIONS BETWEEN THEM, EC OBSERVER HARDY ANNOUNCED THEY HAD NOT BEEN ABLE TO COMPLY WITH THE CHAIRMEN'S REQUEST TO PREPARE THEIR POSITION ON THE REPORT OF THE WORKING GROUP ON THE FUTURE OF NEAFC. MR. HARDY SAID THE REASONS HE COULD NOT DISUCSS THE FUTURE OF NEAFC AT THIS MEETING WERE: A) THE DIVERGENCE

OF OPINION AS TO WHETHER THE NEW NEAFC SHOULD BE ESTABLISHED BY A NEW CONVENTION OR THROUGH AMENDED PROTOCOL AND WHETHER THE EC, AS AN ENTITY, WOULD BE ABLE TO PARTICIPATE IN ALL THE DISCUSSIONS; B) THE FACT THAT THE EC WANTS ALL ITS BILATERAL FISHING AGREEMENTS CONCLUDED BEFORE THE NEW NEAFC STRUCTURE IS DISCUSSED.

3. MR. HARDY'S ENTIRE STATEMENT FOLLOWS:

"I THINK I MUST INFORM THE MEETING AT THE OUTSET THAT WE HAVE BEEN UNABLE TO COMPLY FULLY WITH YOUR REQUEST. THE EUROPEAN ECONOMIC COMMUNITY HAS GIVEN VERY CAREFUL CONSIDERATION TO THE REQUEST YOU MADE TO DELEGATIONS AT OUR MEETING YESTERDAY. I WOULD THEREFORE LIKE TO MAKE A NUMBE OF REMAKRS ABOUT WHAT IN OUR VIEW, ARE SOME OF THE MAIN PROBLEMS THAT NOW CONFRONT US. ALTHOUGH THE ISSUES CONCERNED HAVE ALREADY BEEN RAISED AT THIS MEETING IN ONE WAY OR ANOTHER, IT IS OUR IMPRESION THAT SOME FURTHER LEVEL OF CLARIFICATION OF IDEAS AND OF MUTUAL UNDERSTANDING IS REQUIRED BEFORE THE REPARTIONS FOR A NEW NEAFC CAN PROCEED TO THE NEXT STAGE. TO TAKE FIRST ONE BASIC ELEMENT, IT IS OUR UNDERSTANDING THAT THERE IS NO DISAGREEMENT ON THE FUNDAMENTAL ISSUE THAT THE FUTURE NEAFC SHOULD HAVE SUBSTANTIVE FUNCTIONS ONLY AS REGARDS FISHING ACTIVITIES CONDICUTED BEYOND COASTAL STATE LIMITS, EXCPET IN THE CASE WHERE A COASTAL STATE REQUESTS THE ADOPTION OF A RECOMMENDATION TO BE APPLIED IN ITS WATERS AND VOTES FOR SUCH A RECOMMENDATION. NO DELGATION HAS SPOKEN AGAINST THIS PROPOSITION, AND WE ASSUME THAT ON THIS POINT IN THE TERMS THAT I HAVE INDICATED AT LEAST LIMITED OFFICIAL USE

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WE ARE ALL AGREED. BUT THIS IS, OF COURSE, NOT THE WHOLE STORY. THERE IS, AS ONE VERY CONSIDERABLE ISSUE, THE QUESTION OF WHETHER THE NEW NEAFC SHOULD BE STABLISHED BY A CONVENTION OR THROUGH AN AMENDING PROTOCOL. THE COMMUNITY IS, FOR ITS PART, AS IT HAS ALREADY STATED, CONVINCED THAT A NEW CONVENTION WILL BE REQUIRED BECAUSE OF THE EXTENT OF THE CHANGES TO BE MADE. THE QUESTION WHICH HAS BEEN RAISED AS TO WHETHER THE CONSTITUTIONAL ARRANGEMENTS FOR ADOPTING A PROTOCOL, AS OPPOSED TO A CONVENTION, WOULD BELESS BURDENSOME IS, IN OUR VIEW, NOT A DECISIVE FACTOR. THE COMMUNITY NOTES, HOWEVER, THAT NOT ALL DELGATIONS SHARE THE SAME OPINION AS REGARDS THE CASE FOR A CONVENTION. UNTIL A DETEMINATION HAS BEEN MADE HOWEVER, IT IS NOT POSSIBLE FOR INSTANCE TO DECIDE THE CONTENT OF THE FINAL CLAUSES, INVOLVING AS THEY DO TRANSITIONAL ARRANGEMENTS, THE FUNCTIONS OF THE DEPOSITARY GOVERNMENTS AND FUTURE AMENDMENT PROCEDURES. THESE ARE ALL IMPORTANT ITEMS THAT CANNOT PROPERLY BE DEALT WITH UNTIL A PRIOR DECISION HAS BEEN REACHED. SECONDLY, MANY OF THE SAME

CONSIDERATIONS APPLY AS REGARDS COMMUNITY PARTICIPATION IN THE NEW TREATY. WE UNDERSTAND THAT AT THE PRESENT MEETING SOME DELEGATIONS WERE UNABLE TO TAKE A DECISION ON THIS POINT. IN CONSEQUENCE IT HAS NOT PROVED POSSIBLE TO PROCEED NOW TO A FINAL DRAFTING STAGE SINCE THE ISSUE HAS IMPLICATIONS FOR THE STRUCTURE AND PROCEDURES OF THE NEW ORGANIZATION. I MUST MAKE IS QUITE CLEAR YET AGAIN THAT UNLESS THERE IS AGREEMENT ON THIS ISSUE NEITHER THE COMMUNITY NOR ITS MEMBER STATES WILL BE ABLE TO TAKE PART IN FUTURE PROCEEDINGS RELATING TO THE NEW NEAFC. THIRDLY, THE COMMUNITY WOULD CALL ATTENTION ONCE MORE TO THE ARRANGEMENTS BEING ELABORATED AS REGARDS FISHING WITHIN AREAS UNDER COASTAL FISHERIES JURDICTION. HAVING REGARD TO THE LINK WHICH EXISTS BETWEEN THE ARRANGEMENTS TO BE MADE BY THE COASTAL STATE AND SOME OF THE MORE DETAILED ASPECTS OF THE ROLE OF THE NEW NEAFC, THE COMMUNITY CONSIDERS THAT IT WILL NOT BE POSSIBLE TO ARRIVE AT A LIMITED OFFICIAL USE

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COMPLETE AND FINAL SOLUTION TO ALL THE ISSUES RAISED IN RELATION TO THE NEW NEAFC UNTIL THE FRAMEWORK OF BILATERAL AGREEMENTS HAS BEEN MORE CLEARLY ESTABLISHED. HERE I WOULD ADD THAT WHEN THE DECISION WAS TAKEN LAST NOVEMBER TO CALL THE PRESENT MEETING AT THIS TIME, THIS WAS WITH THE EXPECTATION, AT LEAST ON THE COMMUNITY'S SIDE, THAT THE BILATERAL AGREEMENTS WOULD BE CONCLUDED MORE QUICKLY THAN HAS PROVED TO BE THE CASE. ALTHOUGH THE COMMUNITY INVITED THIRD STATES PREVIOUSLY FISHING IN ITS WATERS TO ENTER INTO NEGOTIATIONS AT AN EARLY DATE, NOT ALL OF THEM WERE ABLE TO DO SO. NEAFC WILL, AS WE SEE IT, PLAY ESSENTIALLY A COMPLEMENTARY ROLE TO THE BILATERAL AGREEMENTS. IN ADDITION, IN THIS CONNECTIN, THERE IS THE CONSIDERATION THAT THE LAW OF THE SEA CONERENCE HAS NOT YET CONCLUDED ITS WORK. HAVING REGARD TO THESE DIFFERENT ELEMENTS, THE COMMUNITY CONSIDERS THAT THE ONL COURSE OPEN TO USE WOULD BE TO HOLD A DIPLOMATIC CONFERENCE AT WHICH ACTUAL NEGOTIATIONS CAN TAKE PLACE. NOT ONLY THAT,

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INFO OCT-01 EUR-12 ISO-00 COME-00 EB-08 DLOS-09 SAL-00
L-03 AID-05 CEA-01 CIAE-00 FRB-03 INR-07 NSAE-00
SP-02 STR-04 TRSE-00 LAB-04 SIL-01 OMB-01 INT-05
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R 051504Z APR 77
FM AMEMBASSY COPENHAGEN
TO SECSTATE WASHDC 4227
INFO AMEMBASSY BERLIN
AMEMBASSY HESLINKI
AMEMBASSY LISBON
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THERE ARE SOME ISSUES, SUCH AS, FOR EXAMPLE, THE QUESTION OF THE LANGUAGES TO BE USED BY THE NEW BODY, THAT CAN ONLY BE SETTLED AT THE STAGE OF A FULL DIPLOMATIC CONFERENCE. MEETINGS SUCH AS THE PRESENT ONE ARE NOT IN FACT, WE HAVE BEEN LED TO CONCLUDE, A FULLY ADEQUATE MEANS OF DEALING WITH THE PROBLEMS INVOLVED. THE UNSOLVED ISSUES THAT I HAVE SET OUT MEAN THAT NO COMMON DRAFTS ARE POSSIBLE ON WHAT REMAIN OPEN NEGOTIATING PROBLEMS. THE PARTICULAR QUESTIONS THAT ARISE RANGE WIDELY, AND INCLUDE AS A MAIN LIST, THE DEFINITION OF PARTICIPANTS, THE PREAMBLE, THE FUNCTIONS OF THE NEW NEAFC, ITS PROCEDURES, THE FINANCIAL ARRANGEMENTS, THE DEFINITION OF REGIONS AND MUCH OF THE FINAL CLAUSES. BUT THE LENGTH OF THIS LIST IS TO
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SOME EXTENT MISLEADING. PUT QUITE SIMPLY, IT IS OUT CONCLUSION AFTER A VERY GREAT DEAL OF REFLECTION AND EFFORT ON OUR PART, THAT WHAT WE ARE CONFRONTED BY IS NOT REALLY A DRAFTING PROBLEM BUT A NEGOTIATING PROBLEM, AND UNTIL WE HAVE MANAGED, IN THE LIGHT OF ALL THE FACTORS I HAVE MENTIONED, TO HAVE ACHIEVED A FURTHER AND CLEARER RECOGNITION THAT THIS IS SO, WE ARE NOT LIKELY TO MAKE REAL PROGRESS. THE COMMUNITY WHICH FOR ITS PART WOULD WISH TO BE INVITED TO A DIPLOMATIC CONFERENCE SUCH AS THAT SUGGESTED, WOULD BE PREPARED - AND INDEED WOULD WANT - TO CIRCULATE A DRAFT CONVENTION BEFORE ANY SUCH CONFERENCE WAS HELD, FOR THE CONSIDERATION OF PARTICIPANTS.

BEFORE CONCLUDING, I MUST SAY A WORD CONCERNING THE EFFORTS YOU HAVE MADE TO MAKE THIS MEETING A SUCCESS. THAT THE MEETING HAS NOT PRODUCED CLEAR RESULTS IS SOMETHING WE MUST ALL RECONISE,(EVEN THOUGH WE MAY GIVE DIFFERENT REASONS IN ACCOUNTING FOR THIS. BUT ONE REASON WE COULD NEVER GIVE - IT WAS NOT YOUR FAULT IF WE DID NOT MANAGE TO ACHIEVE AS MUCH AS WE MIGHT ALL HAVE WISHED." END UNCLASSIFIED.

4. BEING LIMITED OFFICIAL USE. COMMENT. EC MEMBERS, LED BY THE UK DELEGATE, EXERTED CONSIDERABLE PRESSURE ON MR. HARDY TO FORMULATE THEIR POSITION SO THAT SOME TANGIBLE RESULTS WOULD BE OBTAINED AT THE CURRENT MEETING. MR. HARDY HAD INDICATED TO THE CHAIRMAN EARLIER IN THE MEETING THAT HE WOULD TRY TO REACH SOME AREAS OF AGREEMENTS. MRFA LEARNED, HOWEVER, THAT AFTER TELEPHONE CONSULTATION WITH BRUSSELS (PROBABLY EC'S GUNDELACH) IT WAS DECIDED TO DEFER ANY FURTHER DISCUSSION AT THIS MEETING. RFA ALSO HEARD THAT STRONG CONTENTION AROSE WITHIN THE EC DELEGATION WHEN THE EC OBSERVER ANNOUNCED AT A CLOSED MEETING OF EC MEMBERS THAT THE EC WANTS TO BECOME THE DEPOSITORY AGENCY IN THE NEW NEAFC. THERE WAS HEAVY OPPOSITION TO THIS SUGGESTION BY MEMBER DELEGATIONS, ALTHOUGH THE RFA COULD NOT LEARN HOW THE VOTING CAME OUT. WE ASSUME THE UK LED THE OPPOSITION AS THEY WOULD WANT THE LIMITED OFFICIAL USE

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Message Attributes

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Disposition Approved on Date:
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